

Message Text

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ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 ACDA-07 NASA-01 ERDA-05 OES-07
AF-10 ARA-10 EA-07 NEA-10 CCO-00 OTPE-00 EB-07
FCC-01 OC-06 COME-00 BIB-01 OIC-02 /146 W
-----022651 011235Z /44

R 011051Z JUL 77
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 2359
INFO USMISSION USUN

C O N F I D E N T I A L SECTION 1 OF 2 VIENNA 6185

FROM OSC DEL

E.O. 11652: GDS
TAGS: TSPA, UN
SUBJECT: OUTER SPACE COMMITTEE - DIRECT TELEVISION BROADCASTING
BY SATELLITE

REF: (A) VIENNA 6080; (B) STATE 145988; (C) VIENNA 4994;
(D) VIENNA 5037

1. THE OUTER SPACE COMMITTEE AT ITS 1977 SESSION, HELD
20 JUNE - 1 JULY IN VIENNA, NARROWED A NUMBER OF
RELATIVELY MINOR DIFFERENCES THAT HAVE STOOD IN THE WAY
OF AGREEMENT ON A MEANINGFUL PACKAGE OF GUIDELINES FOR
STATES AND POTENTIAL SATELLITE TELEVISION BROADCASTERS
IN DEVELOPING INTERNATIONAL COOPERATION IN THIS PROSPECTIVE
TECHNOLOGY. CRITICAL QUESTION TO BE NEGOTIATED CONTINUES
TO BE WHETHER THE ESTABLISHMENT AND OPERATION OF A DBS
TV SERVICE TO FOREIGN AUDIENCES CAN LEGITIMATELY TAKE
PLACE ONLY WITH AGREEMENT OF THE GOVERNMENTS OF THE
COUNTRIES IN WHICH THOSE AUDIENCES RESIDE. OVERWHELMING
MAJORITY OF COMMITTEE BELIEVES THAT PRIOR AGREEMENT OF
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GOVERNMENT IN RECEIVING COUNTRY IS NECESSARY FOR
INITIATION OF BRAODCASTING AND THAT AGREEMENTS OR
ARRANGEMENTS MADE CAN COVER OTHER ISSUES BESIDES
TECHNICAL ONES.

2. FORTUNATELY FOR US DEL, DIFFERENCES AMONG OTHER
OSC MEMBERS EMERGED IN SUFFICIENT DEGREE ON THE SPILLOVER

ISSUE SO THAT IT WAS CLEAR THAT IT WOULD HAVE BEEN DIFFICULT TO COMPLETE THE DBS PRINCIPLES AT THIS SESSION. THIS SITUATION, PLUS SUBSTANTIAL CREDIT WE HAVE WITH MANY OSC MEMBER STATES, INCLUDING SOVIETS, DERIVING FROM U.S. SHARING OF SPACE TECHNOLOGY, ENABLED USDEL TO GET THROUGH THIS SESSION STANDING ON RATHER ISOLATED POSITION ON THE CRITICAL DBS ISSUE WITHOUT ENGENDERING UNDE BITTERNESS.

3. WITH REGARD TO DELEGATION'S USE OF ITS AUTHORITY AND EXTENSION OF IT PROVIDED BY REFTEL B, FOLLOWING SSP LIDMP INTEREST. ON EVENING OF JUNE 23, DURING SECOND EXCHANGE WITH SOV DEL, WE COMMENTED ON THEIR DRAFT PRINCIPLE (REF C), NOTING THAT WE COULD NOT ACCEPT OPEN-ENDED NATURE OF "AGREEMENTS AND/OR ARRANGEMENTS" SOVIET DEP REP MAIORSKY, DISAPPOINTED THAT COMPLETION OF PRINCIPLES THEREFORE UNLIKELY, URGED US TO RECONSIDER. BAKER REPLIED THAT HE WOULD NOT SEEK AUTHORITY TO ACCEPT SUCH LANGUAGE. MOST WE COULD HOPE TO GET AUTHORITY TO ACCEPT WAS "ARRANGEMENTS REQUIRED BY ADHERENCE TO RELEVANT INSTRUMENTS OF ITU." MAIORSKY INDICATED THAT THIS WOULD TAKE US NO FURTHER THAN WARC ITU FRAMEWORK, IMPLYING THAT SOVS COULD NOT ACCEPT SUCH LIMITED CONCEPT OF AGREEMENTS/ARRANGEMENTS. AFTER DEPARTING, MAIORSKY THEN RETURNED TWO MINUTES LATER, ASKING IF WE COULD HOPE TO GET AUTHORITY TO ACCEPT SOV DRAFT IF WORD "AGREEMENTS" DROPPED LEAVING CONFIDENTIAL

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"ARRANGEMENTS" ONLY. BAKER STATED THAT THE DELEGATION DOES NOT HAVE AUTHORITY TO ACCEPT THIS SINCE "ARRANGEMENTS" WOULD STILL BE OPEN TO INCLUSION OF NON-TECHNICAL ISSUES, BUT EXPRESSED APPRECIATION FOR SOVIET EFFORT AT COMPROMISE. (IN LIGHT OF CLEAR INDICATIONS THAT OSC WOULD NOT END IN SOUR OR ANTI-U.S. MOOD OVER DBS, US DEL DID NOT FURTHER UTILIZE DURING SESSION LATITUDE GRANTED IN PARA 3, REFTEL B; NOR DID SOVIETS IN WORKING GROUP SESSION FALL BACK TO "ARRANGEMENT.")

4. WE BELIEVE THAT FOREGOING EXCHANGE TAKES US TO LIMITS OF SOVIET POSITION. THERE IS NO REASON TO BELIEVE THAT "ARRANGEMENTS" THAT ARE EXPLICITLY CONFINED TO ITU WOULD BE ACCEPTABLE TO THE USSR OR TO OTHERS IN THE COMMITTEE. AS SOVS NOTED, USSR HAS MOVED SUBSTANTIALLY FROM ITS ORIGINAL INSISTENCE ON (A) AN EXPLICIT REFERENCE TO PRIOR CONSENT BEFORE INITIATION OF BROADCASTING, (B) A FURTHER REQUIREMENT OF CONSENT TO PROGRAM CONTENT AND (C) A DATALOG OF OUTLAWED "ILLEGAL/INADMISSIBLE BROADCASTS."

5. IT APPEARS UNLIKELY TO US DEL THAT THERE IS ANY PRESENT OR FUTURE POSSIBILITY FOR CONSENSUS ON DBS

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C O N F I D E N T I A L SECTION 2 OF 2 VIENNA 6185

FROM OSC DEL

ON A "NOTIFICATION PLUS CONSULTATIONS" BASIS UNLESS
THERE IS A COMMITMENT TO ACCEPT ALSO "ARRANGEMENTS" WHICH
INCLUDE TECHNICAL ACCORDS REQUIRED BY ITU AND ARE OPEN
TO OTHER POSSIBLE MATERIAL.

6. EAST EUROPEANS, FRANC, LATIN AMERICANS, AND OTHER
LESS-DEVELOPED COUNTRIES REMAIN WEEDED TO THE CONCEPT
THAT UNLESS THEY GIVE CONSENT ON THE POLITICAL LEVEL
TO FOREIGN BROADCASTS, BROADCASTING TO THEIR CITIZENS
IS A GRAVE AFFRONT, A VIOLATION OF THEIR SOVEREIGNTY,
AND INTERFERENCE IN THEIR INTERNAL AFFAIRS, AND A THREAT
TO THEIR CULTURAL INTEGRITY. THEY ASK WHETHER, WHEN
DBS TECHNOLOGY BECOMES A PRACTICAL REALITY, THE
UNITED STATES REALLY INTENDS TO PERMIT SOVIET, CUBAN, AND
OTHER FOREIGN BROADCASTS TO BE RECEIVED BY THE AMERICAN
PEOPLE WITHOUT THE CONSENT OF THE USG OR APPROPRIATE U.S.
AGENCIES SUCH AS THE FCC.

7. AS IN THE PAST, OUTER SPACE COMMITTEE HAS DONE ITS
WORK ON THE BASIS OF CONSENSUS. WE CONTINUE TO BE
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CONCERNED THAT IMPATIENCE WITH THE COMMITTEE'S SLOW PACE AND DISAGREEMENT WITH THE U.S. ON THE FUNDAMENTAL CONSENT ISSUE MAY LEAD THE GENERAL ASSEMBLY, TO WHICH THE COMMITTEE REPORTS, TO ATTEMPT TO SETTLE THE MATTER BY VOTING. WHILE A SET OF UNACCEPTABLE DBS GUIDELINES ADOPTED BY THE ASSEMBLY OVER US OBJECTION WOULD HAVE NO BINDING FORCE ON US, THEIR ADOPTION WOULD DO SUBSTANTIAL HARM TO OUR CONCERN FOR THE FREE EXCHANGE OF INFORMATION AND IDEAS AND WOULD BE A SERIOUS SETBACK TO THE EFFORT TO BUILD THE CONSCIOUSNESS OF THE COMMUNITY OF NATIONS CONCERNING HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

8. OUR CHOICES AS USDEL SEES THEM ARE: (A) CONTINUE TO HOLD ON OUR POSITION WHICH IS SUPPORTED, RATHER QUIETLY, ONLY BY BELGIANS, JAPANESE AND FRG, IN WHICH CAE EVENTUAL RESORT TO UNGA WILL OCCUR, PROBABLY NOT AT 32ND UNGA BUT BERY LIKELY AT 33RD; (B) AGREEMENT TO SOMEWHAT OPEN-ENDED "ARRANGEMENTS" IN A CONTEXTIN WHICH IT APPEARS THAT "ARRANGEMENTS" ARE EXPECTED OF BROADCASTING STATE OR ENTITY IN CASES IN WHICH IT IS CONTEMPLATED TO USE FREQUENCIES ALREADY ASSIGNED TO GIVEN STATES OR AREAS (THIS WOULD LEAVE OPEN THEORETICAL POSSIBILITY OF UTILIZING, WITHOUT BILATERAL "ARRANGEMENTS," BANDS WHICH HAVE SO FAR NOT BEEN ASSIGNED BY WARC); (C) AGREEMENT TO WHAT MOST OF OUR ALLIES AND OTHER OSC MEMBERS NOW ACCEPT AS A REALITY AND WHAT ITU DEP SEC GEN BUTLER UNDERLINES AS FAIT ACCOMPLI, AT LEAST WITH RESPECT TO 12 GH BAND, NAMELY: INTERNATIONAL SATELLITE TV BROADCASTING TO A GIVEN STATE OR AREA WITHOUT THE ACQUIESCENCE OF THAT AREA IS NOT IN THE CARDS. THERE MAY BE OTHER OPTIONS.

9. U.S. HAS FUNDAMENTALLY GOOD STANDING IN OSC BASED ON NASA'S INTERNATIONALLY ORIENTED AND TECHNOLOGICALLY CONFIDENTIAL

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ADVANCED PROGRAMS. HOWEVER, THIS WILL NOT SERVE US INDEFINITELY IN FACE OF SUBSTANTIAL INTERNATIONAL CONCERN OVER FUTURE IMPACT OF INTERNATIONAL DBS TV. CAREFUL AND CREATIVE THINKING ABOUT OUR STRATEGY AS WE APPROACH UNGA AND MARCH 1978 OSC LEGAL SUBCOMMITTEE IS THEREFORE ESSENTIAL. MEEHAN

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Message Attributes

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